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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,413	12/31/2003	Stanislav Sosnovsky	EMC03-25(03158)	4654
7590 04/20/2007 Barry W. Chapin, Esq. CHAPIN & HUANG, L.L.C. Westborough Office Park 1700 West Park Drive Westborough, MA 01581			EXAMINER PRICE, NATHAN E	
			ART UNIT 2194	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/750,413	Applicant(s) SOSNOVSKY ET AL.	
	Examiner Nathan Price	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004 and 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to communications received 30 June 2004 and 31 December 2003. Claims 1 – 39 are pending.

Claim Objections

2. Claims 3 – 6, 8, 10, 16, 18 – 38 are objected to because of the following informalities:

There is insufficient antecedent basis for limitations in the claims, including:

- “the timer handler” in claims 3, 10 and 31;
- “invoking” or “each invocation” in claims 4 and 18;
- “the global timer map” in claims 16 and 34;
- “the timer identity” in claim 19;
- “the time based task” in claim 21;
- “the process” in claim 22;
- “the module service” in claim 24;
- “the local timer service” in claim 26;
- “the modules” in claim 35;
- “the method” in claims 37 and 38;

Claims dependent on objected claims inherit the deficiencies of claim(s) on which they are dependent.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 contains the trademark/trade name Object Management Group Interface Definition Language (OMG/IDL). Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a source of a standard and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 24 – 36 and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
5. Claims 24 – 36 appear to recite elements that can be implemented in software alone and are therefore rejected as software, per se. See MPEP 2106.01. It appears that the claims do not include hardware necessary to realize the functionality of the software. The claims are therefore rejected as being directed toward non-statutory subject matter.
6. Claim 38 is directed to a signal. Therefore, the claim is directed to a form of energy that, at present, the office feels does not fall into a category of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1 – 11, 13 – 21 and 23 – 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Silberschatz (see PTO-892 mailed with this Office Action).

8. As to claim 1, Silberschatz teaches a method for processing timer events, the method comprising:

receiving a timer subscription containing a time value and an identity of a module to notify upon expiration of the time value (section 12.3.3);

establishing a timer to track expiration of the time value (section 12.3.3);

detecting expiration of the timer (section 12.3.3);

in response to detecting expiration of the timer, determining if the module is disabled, and if the module is disabled, enabling the module (sections 12.3.3; 4.1.2; 4.2.1); and

notifying a subscriber in the module of expiration of the timer (section 12.3.3).

9. As to claim 2, Silberschatz teaches the module includes a timer handler in the subscriber, the timer subscription further indicative of the timer handler, and notifying the subscriber of the expiration of the timer further comprises invoking the indicated timer handler for execution (sections 12.2.2; 12.3.3; 4.1.2; 4.2.1).

10. As to claim 3, Silberschatz teaches establishing the timer further comprises: adding the identity of the module to a global timer map, the global timer map operable to

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indicate a plurality of modules; and adding a reference to the subscriber including the timer handler into a local timer map associated with the module (sections 12.3.3; 4.1.3).

11. As to claim 4, Silberschatz teaches invoking further comprises: indexing, via the local timer map, a dispatch command operable to dispatch the timer handler (sections 6.1.4; 4.1.3).

12. As to claim 5, Silberschatz teaches the local timer map includes an entry indicative of the subscriber including the timer handler within a module and the global timer map includes an entry indicative of the module (sections 12.3.3; 4.1.3).

13. As to claim 6, Silberschatz teaches the reference is a dynamic offset from a base to the location in a particular instantiation of the module, the base operable to change upon reenabling of the module (sections 4.1.3; 9.1.1; 9.1.2; 9.2 ¶ 3).

14. As to claim 7, Silberschatz teaches the expiration of the timer and resulting timer initiated invocation of the timer handler is independent of the enablement of the subscriber including the timer handler (sections 6.1.3; 4.1.3; 12.3.3).

15. As to claim 8, Silberschatz teaches determining if the module is disabled further comprises: employing the global timer map to find the entry corresponding to the timer expiration to determine the identity of the module corresponding to the timer event; and

determining, from the identity of the module, if the module is disabled (sections 12.3.3; 4.1.3; 4.2.1).

16. As to claim 9, Silberschatz teaches the timer subscription is operable to indicate periodic and aperiodic expiration times (section 12.3.3).

17. As to claim 10, Silberschatz teaches the subscription is received from a subscriber within the module, the subscriber including the timer handler (section 4.1.3).

18. As to claim 11, Silberschatz teaches receiving the subscription further comprises receiving a subscription from multiple subscribers in the module, each subscriber operative to include a timer handler, further comprising, in response to detecting expiration of the timer, enabling disabled modules upon expiration of a timer subscribed to by any of the multiple subscribers (sections 12.3.3; 4.1.4; 5.1; 5.2).

19. As to claim 13, Silberschatz teaches resetting the expiration time value with an expiration time value from a second subscription for the same timer (section 12.3.3).

20. As to claim 14, Silberschatz teaches:

enabling modules corresponds to activation of a corresponding component by an activation mechanism (sections 6.1.4; 4.1.3); and

disabling corresponds to deactivation of the corresponding component by the activation mechanism, the activation and deactivation operations operable to reduce memory consumption by inactive components and provide selective invocation to maintain availability of the component (sections 6.1.4; 4.1.3; 9.2 ¶ 1 – 4).

21. As to claim 15, Silberschatz teaches enabling and disabling is performed at a level of granularity of the modules, each of the modules corresponding to a component and operable be enabled and disabled by activation and deactivation of the corresponding component (sections 4.1.4; 4.2.3; 5.1; 9.2).

22. As to claim 16, Silberschatz teaches activation and deactivation further comprises identifying, in a module server in communication with each of the modules, when to activate and deactivate modules based on information in the global timer map in the component server (section 12.3.3).

23. As to claim 17, Silberschatz teaches each of the modules is operable to include a plurality of threads, and disabling is performed by a thread manager operable to gracefully terminate each of the threads prior to deactivation, deactivation occurring by informing each of the threads of the termination and computing when each thread has attained a termination point (section 9.2).

24. As to claim 18, Silberschatz teaches associating the timer with a generation counter, the generation counter incrementally labeling each invocation from a particular subscriber; comparing, upon completion of a timer handler, the generation counter; canceling, if the generation counter indicates that the timer handler corresponds to the generation counter, the timer; and maintaining, if the timer is periodic, the pending timer corresponding to the subscriber (section 12.3.3).

25. As to claim 19, Silberschatz teaches associating the timer identity with a timer handler occurs in a native language of the timer handler and corresponding subscriber, and avoids a corresponding definition in an external interface language, the external interface language for generating timer specific code (sections 12.3.3; 3.3 ¶ 3).

26. As to claim 20, Silberschatz teaches the external interface language is the Object Management Group Interface Definition Language (OMG/IDL) (section 15.4; page 519).

27. As to claim 21, see the rejection of claims 1, 2 and 11.

28. As to claims 24 and 37 – 39, see the rejection of claim 1.

29. As to claims 23 and 25, see the rejection of claim 2.

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30. As to claims 26 – 36, see the rejection of claims 4, 3, 5 – 7, 10 and 14 – 18, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silberschatz as applied to claim 1 above, and further in view of Flanagan (see PTO-892 mailed with this Office Action).

32. As to claim 12, Silberschatz fails to specifically teach multiple subscriptions to a timer by specifying the timer name as claimed. However, Flanagan teaches the subscription is a first subscription and includes a timer identity, further comprising receiving second subscription to the same timer as first subscription, the timer identified by a timer name provided by both the first subscription and the second subscription (page 536 ¶ 4). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both references teach using timers in computer programming.

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33. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silberschatz as applied to claim 21 above, and further in view of Mann (US Pat. 5,644,772).

34. As to claim 22, Silberschatz fails to specifically teach a queue as claimed. However, Mann teaches, following selectively enabling: enqueueing an indication of the timer expiration in a queue, the queue corresponding to the process including the module containing the subscriber; and assigning, to a particular thread corresponding to the queue, performance of the timer handler corresponding to the expired timer (col. 6 lines 1 – 15; col. 9 line 66 – col. 10 line 8; col. 12 lines 57 – 67). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both address timers and interrupts.

Conclusion

35. The prior art made of record on the P.T.O. 892 that has not been relied upon, is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:30am - 3:00pm, Monday - Friday.

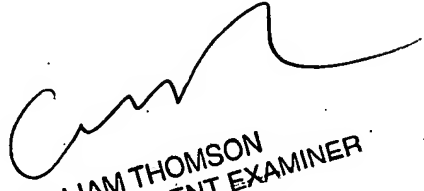
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER